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A bill to be entitled
An act relating to residential living arrangements; amending s. 419.001, F.S.; defining terms; deleting definitions and provisions related to community residential living arrangements; creating s. 419.003, F.S.; providing that a community residence is a residential use of property; providing the purpose and duties of a community residence; requiring that the residents of a community residence receive care by supportive staff as may be necessary; providing that residents may be self-governing or supervised by a certain sponsoring entity; providing that a community residence constitutes a family for certain purposes and is not subject to certain provisions if certain conditions are met; providing that certain community residences may not be included when determining spacing distance requirements; requiring that a community residence be licensed or certified, or operate pursuant to a charter from an entity recognized or sanctioned by Congress; authorizing a local government to revoke or nullify the siting approval of a community residence under certain circumstances; prohibiting a sponsoring entity whose license, certification, or charter, or application for such license, certification, or charter, has been

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26 revoked or denied from operating a community
27 residence; providing for the nullification of zoning
28 approval under certain circumstances; authorizing the
29 sponsoring entity of a community residence to appeal
30 the revocation or denial of its license,
31 certification, or charter; requiring that zoning
32 approval granted to a sponsoring entity be stayed
33 pending the outcome of such appeal; requiring a
34 sponsoring entity of a community residence to notify
35 the designated local government official of the
36 revocation or denial of its license, certification, or
37 charter within a specified timeframe; requiring a
38 sponsoring entity to cease operations within a
39 specified timeframe after receiving notice of the
40 denial or revocation of its license, certification, or
41 charter; authorizing a local government to require
42 operations to cease immediately under certain
43 circumstances; requiring a sponsoring entity to
44 coordinate the reunion of residents with their
45 families or relocation to a safe and secure living
46 environment; requiring that enforcement of the denial
47 or revocation of a license, certificate, or charter be
48 stayed pending the outcome of an appeal; providing an
49 exception; providing spacing distance requirements for
50 the siting of a community residence; providing that

51 certain community residences may not be included in
52 spacing distance calculations; specifying requirements
53 for the calculation of spacing distance for each
54 street and alley; creating s. 419.005, F.S.; providing
55 that a family community residence or transitional
56 community residence constitutes a residential use
57 allowed in specified zoning districts if certain
58 requirements are met; specifying such requirements;
59 providing that a community residence is considered a
60 residential use of property for purposes of local
61 government and land use zoning codes when in
62 compliance with specified provisions; specifying that
63 the provisions of the act do not affect the legal
64 nonconforming use status of certain community
65 residences or the authority of certain community
66 residences established before a specified date to
67 continue to operate, under certain circumstances;
68 providing construction; providing that spacing
69 distances may not exceed certain specifications;
70 authorizing a local government to require a sponsoring
71 entity to immediately cease operations under certain
72 circumstances; creating s. 419.007, F.S.; providing
73 that a proposed community residence may receive a
74 reasonable accommodation if the sponsoring entity
75 demonstrates that specified requirements are met;

76 providing primary factors to consider when determining
77 compliance with certain provisions; requiring a local
78 government to authorize a reasonable accommodation for
79 certain proposed community residences if specified
80 requirements are met; requiring a local government to
81 authorize a reasonable accommodation for a community
82 residence intended to house more than 12 unrelated
83 people if specified requirements are met; requiring a
84 local government to authorize a reasonable
85 accommodation for transitional community residences if
86 specified requirements are met; creating s. 419.009,
87 F.S.; requiring that a recovery community be licensed
88 or certified by a licensing or certifying entity;
89 authorizing a local government to revoke siting
90 approval for a recovery community under certain
91 circumstances; prohibiting a sponsoring entity for a
92 recovery community whose license or certification has
93 been denied or revoked from operating in this state;
94 providing for the nullification of certain zoning
95 approval; requiring that zoning approval be stayed
96 pending the outcome of a sponsoring entity's appeal of
97 the revocation or denial of its licensure or
98 certification; requiring a sponsoring entity to notify
99 the designated local government official or other
100 applicable entity within a specified timeframe that

101 its license or certification has been revoked or
102 denied; requiring a sponsoring entity to cease
103 operations within a specified timeframe after such
104 notice; authorizing a local government to require a
105 sponsoring entity to immediately cease operations
106 under certain circumstances; requiring the sponsoring
107 entity to coordinate the reunion or relocation of
108 residents; requiring that the enforcement of the
109 revocation or denial of a license be stayed pending
110 the outcome of an appeal; providing an exception;
111 provided that a recovery community constitutes a
112 residential use allowed as of right if certain
113 requirements are met; providing that the provisions of
114 this act do not affect the legal nonconforming use
115 status or the authority of an recovery community to
116 operate; providing construction; authorizing a local
117 government to require a sponsoring entity of a
118 recovery community to immediately cease operations if
119 continued operation poses an immediate and significant
120 threat to the health and safety of the residents or
121 the community; creating s. 419.013, F.S.; requiring
122 that a recovery community in specified locations be
123 allowed a reasonable accommodation if certain
124 requirements are met; specifying factors that must be
125 considered to determine compliance with certain

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126 provisions; providing that a proposed recovery
127 community in combination with any existing community
128 residence, recovery community, or congregate living
129 facility may not alter the residential character of
130 the surrounding neighborhood; creating s. 419.015,
131 F.S.; requiring a local government to respond in
132 writing within a specified timeframe to requests
133 regarding whether a proposed community residence or
134 recovery residence is within a certain spacing
135 distance from certain other residences; requiring that
136 such response include certain information; requiring a
137 local government to provide the sponsoring entity of a
138 proposed community residence or recovery residence
139 with certain information within a specified timeframe
140 if such residences meet certain criteria; amending ss.
141 393.501, 400.464, 400.9972, 429.11, 429.67, and
142 1003.57, F.S.; conforming provisions to changes made
143 by the act; providing an effective date.

144
145 Be It Enacted by the Legislature of the State of Florida:

146
147 **Section 1. Section 419.001, Florida Statutes, is amended**
148 **to read:**

149 419.001 Community residences and recovery communities;
150 definitions ~~Site selection of community residential homes.-For~~

151 the purposes of this chapter, the term:

152 (1) ~~For the purposes of this section, the term:~~

153 (a) "Community ~~residence~~ residential home" means a

154 residential living arrangement for unrelated individuals with

155 disabilities living as the functional equivalent of a family in

156 a dwelling unit, townhome, duplex, or triplex who need the

157 mutual support furnished by other residents of the dwelling as

158 well as the support services, if any, provided by any staff of

159 the community residence. The term includes a living arrangement

160 in which residents may be self-governing or supervised by a

161 sponsoring entity or its staff, which provide habilitative or

162 rehabilitative services related to the residents' disabilities.

163 A community residence operates as the functional equivalent of a

164 family to foster normalization of its residents, integrate them

165 into the surrounding community, and use neighbors as role models

166 for those residents capable of going into the community and

167 interacting with neighbors. Supportive interrelationships

168 between residents are an essential component. Its primary

169 purpose is to provide shelter; foster and facilitate life

170 skills; and meet the physical, emotional, and social needs of

171 the residents in a mutually supportive family-like environment.

172 The term includes, but is not limited to, residences licensed by

173 the Agency for Persons with Disabilities, the Department of

174 Elderly Affairs, the Agency for Health Care Administration, and

175 the Department of Children and Families; recovery residences

176 certified by the state's designated credentialing entity
177 established under s. 397.487; and recovery residences
178 democratically operated by their residents pursuant to a charter
179 from an entity recognized or sanctioned by Congress a dwelling
180 unit licensed to serve residents who are clients of the
181 Department of Elderly Affairs, the Agency for Persons with
182 Disabilities, the Department of Juvenile Justice, or the
183 Department of Children and Families or licensed by the Agency
184 for Health Care Administration which provides a living
185 environment for 7 to 14 unrelated residents who operate as the
186 functional equivalent of a family, including such supervision
187 and care by supportive staff as may be necessary to meet the
188 physical, emotional, and social needs of the residents.

189 (2) "Congregate living facility" means a group living
190 arrangement that provides long-term care, accommodations, food
191 service, and one or more personal care services to people with
192 or without disabilities who pose a direct threat to the health
193 or safety of others, and who are not related to the owner or
194 administrator by blood or marriage.

195 (a) Congregate living facilities include, but are not
196 limited to:

197 1. An intermediate care or assisted living facility that
198 does not operate as the functional equivalent of a family.

199 2. A group living arrangement that is an alternative to
200 incarceration for people who pose a direct threat to the health

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201 or safety of others.

202 3. A facility for the treatment of substance use disorders
203 where treatment is the primary purpose and use of the facility,
204 whether it provides services only or includes a residential
205 component on site.

206 4. A facility for a group living arrangement too large to
207 operate as the functional equivalent of a family where
208 normalization, community integration, and the use of neighbors
209 as role models are not integral elements.

210 (b) A congregate living facility is not a community
211 residence or a recovery community.

212 (3) "Disability" means a physical or mental impairment
213 that substantially limits an individual's major life activities
214 or impairs an individual's ability to live independently. The
215 term includes an individual having a record of such an
216 impairment or being regarded as having such an impairment as
217 defined in the federal Fair Housing Act and Americans with
218 Disabilities Act. The term includes, but is not limited to, all
219 of the following:

220 (a) An elderly person with disabilities as described in s.
221 429.65(9).

222 (b) A person with development disabilities as defined in
223 s. 393.063.

224 (c) A person with a mental illness as defined in s.
225 394.455.

226 (d) A person in recovery from substance abuse as defined
227 in s. 397.311.

228

229 The term "disability" does not include individuals with a
230 substance use disorder who use illegal substances or substances
231 to which they are addicted or individuals who constitute a
232 direct threat to the health and safety of other persons.

233 (4) "Family community residence" means a community
234 residence that provides a long-term living arrangement of at
235 least 6 months duration and does not limit how long a resident
236 may live there. Typical uses may include, but are not limited
237 to, all of the following:

238 (a) A community residential home for people with a
239 disability who do not pose a threat to the health and safety of
240 other persons and whose residency would not result in
241 substantial physical damage to the property of others.

242 (b) A group home for people with a disability which
243 operates as the functional equivalent of a family, including,
244 but not limited to, people with mental illness, physical
245 disabilities, or a substance use disorder.

246 (c) An assisted living facility for the elderly licensed
247 under s. 429.07.

248 (d) An adult family-care home licensed under s. 429.67.

249 (e) A community residential home licensed by the
250 Department of Elderly Affairs, the Agency for Persons with

251 Disabilities, the Department of Children and Families, or the
252 Agency for Health Care Administration which provides a living
253 environment for residents who operate as the functional
254 equivalent of a family.

255 (f) An intermediate care facility licensed under s.
256 400.962 which operates as the functional equivalent of a family.

257 (g) Housing licensed under chapter 394.

258 (h) Recovery residences certified under s. 397.487 or
259 certified recovery residences as defined in s. 397.311 where
260 residency is typically at least 6 months.

261 (i) Recovery residences democratically operated by their
262 residents pursuant to a charter from an entity recognized or
263 sanctioned by Congress.

264 (5)(b) "Licensing or certifying entity" or "licensing
265 entities" means the Department of Elderly Affairs, the Agency
266 for Persons with Disabilities, the Department of Juvenile
267 Justice, the Department of Children and Families, the Florida
268 Association of Recovery Residences or other licensing or
269 certifying entity as determined by the Department of Children
270 and Families pursuant to s. 397.487, or the Agency for Health
271 Care Administration, all of which are authorized to license a
272 community residential home to serve residents.

273 (6)(e) "Local government" means a county as set forth in
274 chapter 125 7 or a municipality incorporated under the
275 provisions of chapter 165.

276 (7)(d) "Long term" means a continuous period of 6 or more
277 months ~~"Planned residential community"~~ means a local government-
278 approved, planned unit development that is under unified
279 control, is planned and developed as a whole, has a minimum
280 gross lot area of 8 acres, and has amenities that are designed
281 to serve residents with a developmental disability as defined in
282 s. 393.063 but that shall also provide housing options for other
283 individuals. The community shall provide choices with regard to
284 housing arrangements, support providers, and activities. The
285 residents' freedom of movement within and outside the community
286 may not be restricted. For the purposes of this paragraph, local
287 government approval must be based on criteria that include, but
288 are not limited to, compliance with appropriate land use,
289 zoning, and building codes. A planned residential community may
290 contain two or more community residential homes that are
291 contiguous to one another. A planned residential community may
292 not be located within a 10-mile radius of any other planned
293 residential community.

294 (8) "Reasonable accommodation" means providing one or more
295 individuals with a disability and providers of housing for one
296 or more individuals with a disability the opportunity to receive
297 modification or waiver of certain requirements for land use,
298 zoning, or property maintenance and building code regulations to
299 give such individual or individuals with a disability an equal
300 opportunity to use and enjoy a dwelling within the meaning of 42

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301 U.S.C. s. 3604(f).

302 (9) "Recovery community" means multiple dwelling units,
303 including adjacent multifamily structures, duplexes, triplexes,
304 and quadraplexes; attached single-family dwellings; a series of
305 adjacent single-family detached dwellings; or a group of such
306 adjacent dwellings which are not held out to the general public
307 for rent or occupancy and which provide a mutually supportive,
308 drug-free, and alcohol-free living arrangement for people in
309 recovery from a substance use disorder who do not operate as the
310 functional equivalent of a family and are under the auspices of
311 a single sponsoring entity or group of related sponsoring
312 entities.

313 (a) The term includes land uses for which the sponsoring
314 entity is eligible to apply for certification pursuant to s.
315 397.487.

316 (b) The term does not include other group living
317 arrangements for people who are not disabled or any community
318 residence, congregate living facility, institutional or medical
319 use facility, shelter, lodging or boarding house, extended stay
320 hotel, nursing home, vacation rental, or other living
321 arrangement for similar use.

322 (10) "Recovery residence" has the same meaning as in s.
323 397.311.

324 (11) ~~(e)~~ "Resident" means any of the following: a frail
325 elder as defined in s. 429.65; a person who has a disability as

326 defined in s. 760.22 ~~s. 760.22(3)(a)~~; a person who has a
327 developmental disability as defined in s. 393.063; a
328 nondangerous person who has a mental illness as defined in s.
329 394.455; a person in recovery from a substance use disorder; or
330 live-in staff or a child who is found to be dependent as defined
331 in s. 39.01, or a child in need of services as defined in s.
332 984.03.

333 (12) ~~(f)~~ "Sponsoring entity agency" means an agency or unit
334 of government, a for-profit ~~profit~~ or nonprofit agency, or any
335 other person or organization that which intends to establish or
336 operate a community residence, recovery community, recovery
337 residence, or congregate living facility residential home.

338 (13) "Transitional community residence" means a community
339 residence that provides a temporary living arrangement of less
340 than 6 months for unrelated people with disabilities.
341 Transitional community residences include, but are not limited
342 to:

343 (a) A group home for individuals with a disability which
344 operates as the functional equivalent of a family.

345 (b) A community residence for people with a disability who
346 do not pose a direct threat to the health and safety of other
347 persons or whose residency would not result in substantial
348 physical damage to the property of others.

349 (c) Housing connected to outpatient treatment licensed
350 under chapter 394.

351 (d) A living arrangement licensed by the Department of
352 Elderly Affairs, the Agency for Persons with Disabilities, the
353 Department of Juvenile Justice, the Department of Children and
354 Families, or the Agency for Health Care Administration which
355 provides a living environment for 7 to 14 unrelated residents
356 who operate as the functional equivalent of a family.

357 (e) A certified recovery residence as defined in s.

358 397.311, at which residency is typically less than 6 months.

359 (f) A separate residential community housing component,
360 pursuant to s. 397.311(9), of a day or night treatment facility
361 with a community housing license

362 ~~(2) Homes of six or fewer residents which otherwise meet~~
363 ~~the definition of a community residential home shall be deemed a~~
364 ~~single family unit and a noncommercial, residential use for the~~
365 ~~purpose of local laws and ordinances. Homes of six or fewer~~
366 ~~residents which otherwise meet the definition of a community~~
367 ~~residential home shall be allowed in single family or~~
368 ~~multifamily zoning without approval by the local government,~~
369 ~~provided that such homes are not located within a radius of~~
370 ~~1,000 feet of another existing such home with six or fewer~~
371 ~~residents or within a radius of 1,200 feet of another existing~~
372 ~~community residential home. Such homes with six or fewer~~
373 ~~residents are not required to comply with the notification~~
374 ~~provisions of this section; provided that, before licensure, the~~
375 ~~sponsoring agency provides the local government with the most~~

376 recently published data compiled from the licensing entities
377 that identifies all community residential homes within the
378 jurisdictional limits of the local government in which the
379 proposed site is to be located in order to show that there is
380 not a home of six or fewer residents which otherwise meets the
381 definition of a community residential home within a radius of
382 1,000 feet and not a community residential home within a radius
383 of 1,200 feet of the proposed home. At the time of home
384 occupancy, the sponsoring agency must notify the local
385 government that the home is licensed by the licensing entity.
386 For purposes of local land use and zoning determinations, this
387 subsection does not affect the legal nonconforming use status of
388 any community residential home lawfully permitted and operating
389 as of July 1, 2016.

390 (3) (a) When a site for a community residential home has
391 been selected by a sponsoring agency in an area zoned for
392 multifamily, the agency shall notify the chief executive officer
393 of the local government in writing and include in such notice
394 the specific address of the site, the residential licensing
395 category, the number of residents, and the community support
396 requirements of the program. Such notice shall also contain a
397 statement from the licensing entity indicating the licensing
398 status of the proposed community residential home and specifying
399 how the home meets applicable licensing criteria for the safe
400 care and supervision of the clients in the home. The sponsoring

401 agency shall also provide to the local government the most
402 recently published data compiled from the licensing entities
403 that identifies all community residential homes within the
404 jurisdictional limits of the local government in which the
405 proposed site is to be located. The local government shall
406 review the notification of the sponsoring agency in accordance
407 with the zoning ordinance of the jurisdiction.

408 (b) Pursuant to such review, the local government may:

409 1. Determine that the siting of the community residential
410 home is in accordance with local zoning and approve the siting.
411 If the siting is approved, the sponsoring agency may establish
412 the home at the site selected.

413 2. Fail to respond within 60 days. If the local government
414 fails to respond within such time, the sponsoring agency may
415 establish the home at the site selected.

416 3. Deny the siting of the home.

417 (c) The local government shall not deny the siting of a
418 community residential home unless the local government
419 establishes that the siting of the home at the site selected:

420 1. Does not otherwise conform to existing zoning
421 regulations applicable to other multifamily uses in the area.

422 2. Does not meet applicable licensing criteria established
423 and determined by the licensing entity, including requirements
424 that the home be located to assure the safe care and supervision
425 of all clients in the home.

426 3. Would result in such a concentration of community
427 residential homes in the area in proximity to the site selected,
428 or would result in a combination of such homes with other
429 residences in the community, such that the nature and character
430 of the area would be substantially altered. A home that is
431 located within a radius of 1,200 feet of another existing
432 community residential home in a multifamily zone shall be an
433 overconcentration of such homes that substantially alters the
434 nature and character of the area. A home that is located within
435 a radius of 500 feet of an area of single-family zoning
436 substantially alters the nature and character of the area.

437 (4) Community residential homes, including homes of six or
438 fewer residents which would otherwise meet the definition of a
439 community residential home, which are located within a planned
440 residential community are not subject to the proximity
441 requirements of this section and may be contiguous to each
442 other. A planned residential community must comply with the
443 applicable local government's land development code and other
444 local ordinances. A local government may not impose proximity
445 limitations between homes within a planned residential community
446 if such limitations are based solely on the types of residents
447 anticipated to be living in the community.

448 (5) All distance requirements in this section shall be
449 measured from the nearest point of the existing home or area of
450 single-family zoning to the nearest point of the proposed home.

451 (6) If agreed to by both the local government and the
452 sponsoring agency, a conflict may be resolved through informal
453 mediation. The local government shall arrange for the services
454 of an independent mediator. Mediation shall be concluded within
455 45 days of a request therefor. The resolution of any issue
456 through the mediation process shall not alter any person's right
457 to a judicial determination of any issue if that person is
458 entitled to such a determination under statutory or common law.

459 (7) The licensing entity shall not issue a license to a
460 sponsoring agency for operation of a community residential home
461 if the sponsoring agency does not notify the local government of
462 its intention to establish a program, as required by subsection
463 (3). A license issued without compliance with the provisions of
464 this section shall be considered null and void, and continued
465 operation of the home may be enjoined.

466 (8) A dwelling unit housing a community residential home
467 established pursuant to this section shall be subject to the
468 same local laws and ordinances applicable to other
469 noncommercial, residential family units in the area in which it
470 is established.

471 (9) Nothing in this section shall be deemed to affect the
472 authority of any community residential home lawfully established
473 prior to October 1, 1989, to continue to operate.

474 (10) Nothing in this section shall permit persons to
475 occupy a community residential home who would constitute a

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476 ~~direct threat to the health and safety of other persons or whose~~
477 ~~residency would result in substantial physical damage to the~~
478 ~~property of others.~~

479 ~~(11) The siting of community residential homes in areas~~
480 ~~zoned for single family shall be governed by local zoning~~
481 ~~ordinances. Nothing in this section prohibits a local government~~
482 ~~from authorizing the development of community residential homes~~
483 ~~in areas zoned for single family.~~

484 ~~(12) Nothing in this section requires any local government~~
485 ~~to adopt a new ordinance if it has in place an ordinance~~
486 ~~governing the placement of community residential homes that meet~~
487 ~~the criteria of this section. State law on community residential~~
488 ~~homes controls over local ordinances, but nothing in this~~
489 ~~section prohibits a local government from adopting more liberal~~
490 ~~standards for siting such homes.~~

491 **Section 2. Section 419.003, Florida Statutes, is created**
492 **to read:**

493 419.003 Community residences.—
494 (1) PURPOSE AND DUTIES.—
495 (a) A community residence is considered a residential use
496 of property for purposes of all local government land use and
497 zoning codes.

498 (b) A community residence shall do all of the following:
499 1. Provide safe and accommodating shelter for persons with
500 disabilities.

501 2. Operate as the functional equivalent of a family by
502 providing the opportunity for residents to form supportive
503 relationships that nurture their physical, emotional, and social
504 needs within a family-like relational structure.

505 3. Foster the normalization of residents, assist their
506 integration into the surrounding community, and, when residents
507 are capable, use neighbors without disabilities as role models.

508 4. Provide a safe and nurturing space for residents to
509 gain and practice life skills.

510 (c) The residents of a community residence must receive
511 care by supportive staff as may be necessary to meet their
512 physical, emotional, and social needs.

513 (d) Residents may be self-governing or may be supervised
514 by a sponsoring entity that provides habilitative or
515 rehabilitative services related to the residents' disabilities.

516 (2) COMMUNITY RESIDENCES EXEMPTED FROM THIS CHAPTER.—

517 (a) A community residence constitutes a family for
518 purposes of zoning and is not subject to this chapter when:

519 1. The number of occupants of a community residence,
520 including live-in staff, does not exceed the maximum number of
521 unrelated individuals, as determined by the definition of
522 family, family unit, household, or a similar term in the
523 appropriate local government land use code, ordinance, or
524 regulation;

525 2. A local government's land use code, ordinance, or

526 regulation does not stipulate a specific number of unrelated
527 people which constitutes a family, family unit, household, or
528 similar term; or

529 3. A local government's land use code, ordinance, or
530 regulation does not define family, family unit, household, or a
531 similar term.

532 (b) A community residence that is exempted from this
533 chapter pursuant subparagraph (a)1. may not be included when
534 determining spacing distance requirements.

535 (3) LICENSURE AND OPERATIONS.—

536 (a) A community residence must be licensed or certified to
537 operate when this state offers licensing or certification, or
538 must operate pursuant to a charter from an entity recognized or
539 sanctioned by Congress.

540 (b) A local government may revoke or nullify siting
541 approval of a community residence if:

542 1. The sponsoring entity fails to provide the local
543 government with evidence of permanent licensure or certification
544 from the state; or

545 2. The community residence is not operated pursuant to a
546 charter from an entity recognized or sanctioned by Congress.

547 (c) A sponsoring entity of a community residence whose
548 license, certification, or charter, or application for such
549 license, certification, or charter, has been revoked or denied
550 by a licensing or certifying entity may not operate in this

551 state. Any zoning approval granted to such sponsoring entity
552 becomes null and void upon the revocation or denial of its
553 license, certification, or charter. The sponsoring entity of a
554 community residence may appeal the revocation or denial of its
555 license, certification, or charter. Any zoning approval granted
556 to a sponsoring entity must be stayed pending the outcome of
557 such appeal.

558 (d) The sponsoring entity of a community residence must
559 notify the designated local government official within 5
560 calendar days after receiving notice that its license,
561 certification, or charter has been revoked or denied. The
562 sponsoring entity shall cease operations within 60 calendar days
563 after the date on which the sponsoring entity receives notice of
564 the denial or revocation, except that the local government may
565 require operations to cease immediately when continued operation
566 poses a threat to the health and safety of the residents or the
567 community residence. In such event, the sponsoring entity must
568 coordinate the reunion of the residents with their families or
569 arrange for the relocation of the residents to a safe and secure
570 living environment. Enforcement of a revocation or denial must
571 be stayed pending the outcome of an appeal unless a local
572 government requires the sponsoring entity to cease operations.

573 (4) SITING.—Spacing distances under this section must be
574 measured from the nearest lot line of the existing community
575 residence, recovery community, or congregate living facility

576 closest to the proposed community residence or recovery
577 community to the nearest lot line of the proposed community
578 residence or recovery community. A community residence that is
579 exempted from this chapter pursuant to subsection (2) may not be
580 included when determining spacing distance requirements. Each
581 street and alley within the specified spacing distance
582 requirement counts as 1 parcel lot.

583 **Section 3. Section 419.005, Florida Statutes, is created**
584 **to read:**

585 419.005 Community residences; permitted use.—

586 (1) FAMILY COMMUNITY RESIDENCE.—A family community
587 residence is considered a residential use as of right in all
588 zoning districts where residences are allowed as of right,
589 provided that it complies with subsection (3).

590 (2) TRANSITIONAL COMMUNITY RESIDENCE.—A transitional
591 community residence constitutes a residential use allowed as of
592 right in all zoning districts where multifamily dwellings,
593 duplexes, triplexes, or other forms of multifamily structures
594 are allowed as of right, provided that it complies with
595 subsection (3).

596 (3) REQUIREMENTS.—Family and transitional community
597 residences shall be allowed as of right as permitted uses only
598 if such residences comply with the following requirements:

599 (a) The proposed community residence must be located at
600 least 660 feet or 7 consecutive parcel lots, including each

601 street and alley as 1 parcel lot, whichever is a greater
602 distance, from the closest existing community residence,
603 recovery community, or congregate living facility.

604 (b) The proposed community residence has been issued and
605 maintains:

606 1. A license, certification, or charter required to
607 operate the proposed community residence; or

608 2. A provisional or conditional license, certification, or
609 charter during an application process as determined by the
610 designated licensing, certifying, or chartering entity.

611 (c) No more than 12 individuals occupy the proposed
612 community residence, subject to the local government's standard
613 housing, building, or property maintenance code's provisions
614 related to overcrowding.

615 (4) CODE COMPLIANCE.—A community residence is considered a
616 residential use of property for purposes of local government
617 land use and zoning codes when in compliance with this chapter.

618 (5) EXCEPTIONS.—

619 (a) For purposes of local land use and zoning
620 determinations, this section does not affect:

621 1. The legal nonconforming use status of any community
622 residence lawfully permitted and operating before July 1, 2026,
623 as long as it is licensed or certified no later than July 1,
624 2027, or a reasonable accommodation is granted under s.

625 419.007(2) by July 1, 2027.

626 2. The authority of any community residence lawfully
627 established before July 1, 2026, to continue to operate as long
628 as it is licensed or certified no later than July 1, 2027, or a
629 reasonable accommodation is granted under s. 419.007(2) by July
630 1, 2027.

631 (b) This section may not be construed to require a local
632 government to amend its land use code if it has adopted zoning
633 provisions governing the placement of community residences that
634 meet the criteria of this section and ss. 419.003 and 419.007.

635 (c) This section may not be construed to prohibit a local
636 government from adopting less restrictive zoning for siting
637 community residences.

638 (d) No spacing distance may be greater than those
639 specified in paragraph (3)(a).

640 (6) ENFORCEMENT.—A local government may require a
641 sponsoring entity for a community residence to cease operations
642 immediately if continued operation poses an immediate and
643 significant threat to the health and safety of the residents or
644 the community.

645 **Section 4. Section 419.007, Florida Statutes, is created**
646 **to read:**

647 419.007 Community residences; reasonable accommodation.—
648 (1) ACCOMMODATION TO LOCATE WITHIN APPLICABLE SPACING
649 DISTANCE.—A proposed community residence that does not comply
650 with standards required in s. 419.005(3)(a) must be allowed as a

651 reasonable accommodation from the applicable local government if
652 the sponsoring entity demonstrates all of the following:

653 (a) The proposed community residence will not interfere
654 with the normalization and community integration, and, where
655 practical, the use of neighbors without disabilities as role
656 models, of the residents of the closest existing community
657 residence or recovery community.

658 (b) The closest community residence, recovery community,
659 or congregate living facility will not interfere with the
660 normalization and community integration of the residents of the
661 proposed community residence.

662 (2) COMPLIANCE FACTORS.—Primary factors that must be
663 considered when determining compliance with subsection (1)
664 include:

665 (a) The linear distance along the pedestrian right-of-way
666 between the two residences.

667 (b) The likelihood of residents of one site interacting
668 with residents of the other site.

669 (c) Whether the residents of both sites have different
670 disabilities or no disability.

671 (d) Whether the proposed community residence in
672 combination with any existing community residence, recovery
673 community, or congregate living facility will alter the
674 residential character of the surrounding neighborhood by
675 creating an institutional atmosphere or de facto social service

676 district by clustering such residences on a block face or
677 concentrating them in a neighborhood.

678 (3) ACCOMMODATION WITHOUT LICENSURE, CERTIFICATION, OR
679 DESIGNATION.—If the state does not offer a license or
680 certification for the type of community residence proposed and
681 the population it would house, or if such proposed community
682 residence is not eligible for designation as a recovery
683 residence democratically operated by its residents from an
684 entity recognized or sanctioned by the Congress, the local
685 government must authorize a reasonable accommodation for the
686 proposed community residence if the sponsoring entity
687 demonstrates that:

688 (a) The proposed community residence operates or will
689 operate in a manner effectively similar to that of a licensed,
690 certified, or chartered residence;

691 (b) Staff residing or working in the proposed community
692 residence are adequately trained in accordance with standards
693 typically required by licensing or state certification for a
694 community residence;

695 (c) The proposed community residence operates or will
696 operate as the functional equivalent of a family and achieve
697 normalization, community integration, and, when the residents
698 are capable, the use of neighbors without disabilities as role
699 models; and

700 (d) The rules and practices governing the operation of the

701 proposed community residence protect the residents from abuse,
702 exploitation, fraud, theft, neglect, insufficient support, use
703 of illegal drugs or alcohol, and misuse of prescription
704 medications.

705 (4) ACCOMMODATION TO HOUSE MORE THAN 12 UNRELATED PEOPLE.—
706 If a proposed community residence is intended to house more than
707 12 unrelated people, the local government must authorize a
708 reasonable accommodation for the proposed community residence if
709 the sponsoring entity demonstrates that:

710 (a) The proposed number of residents greater than 12 is
711 necessary to ensure the therapeutic or financial viability of
712 the proposed community residence;

713 (b) The primary function of the proposed community
714 residence is residential, and any medical treatment is
715 incidental to the residential use of the property;

716 (c) The proposed community residence operates as the
717 functional equivalent of a family rather than a boarding or
718 rooming house; nursing home; short-term rental; continuing care
719 facility; motel; hotel; treatment center; rehabilitation center;
720 institutional use facility; assisted living facility or
721 community residential home that does not comport with the
722 definition of community residence in this chapter; or other
723 nonresidential use; and

724 (d) The requested number of residents in the proposed
725 community residence will not interfere with the normalization

726 and community integration of the occupants of the closest
727 existing community residence or recovery community or, when the
728 residents are capable, the use of neighbors without disabilities
729 as role models.

730 (5) ACCOMMODATION TO PERMIT TRANSITIONAL COMMUNITY
731 RESIDENCES IN SINGLE-FAMILY ZONING.—The local government must
732 authorize a reasonable accommodation for a transitional
733 community residence to be sited in an area of single-family
734 zoning where single-family detached dwellings are the only
735 dwellings allowed as permitted uses, provided that the
736 sponsoring entity demonstrates that:

737 (a) The proposed transitional community residence complies
738 with ss. 419.003 and 419.005; and
739 (b) The proposed transitional community residence is found
740 to be compatible with the residential uses allowed as of right
741 in the zoning district.

742 **Section 5. Section 419.009, Florida Statutes, is created**
743 **to read:**

744 419.009 Recovery community as a permitted use.—
745 (1) LICENSURE AND OPERATIONS.—
746 (a) A recovery community must be licensed or certified by
747 a licensing or certifying entity. A local government may revoke
748 siting approval of a recovery community if the sponsoring entity
749 fails to provide evidence of permanent licensure or
750 certification.

751 (b) A sponsoring entity for a recovery community whose
752 license or certification has been denied or revoked may not
753 operate in this state. Any zoning approval granted to such
754 sponsoring entity becomes null and void upon the denial or
755 revocation of such license or certification. If a sponsoring
756 entity appeals a revocation or denial of licensure or
757 certification, any zoning approval granted to such sponsoring
758 entity must be stayed pending the outcome of the appeal.

759 (c) The sponsoring entity must notify the designated local
760 government official or other applicable entity that its license
761 or certification has been revoked or denied within 5 calendar
762 days after receiving notice of such revocation or denial. The
763 sponsoring entity must cease operations within 60 calendar days
764 after such notice, except that the local government may require
765 operations to cease immediately when continued operation poses a
766 threat to the health and safety of the residents or the recovery
767 community. The sponsoring entity must coordinate the reunion of
768 the residents with their families or arrange for the relocation
769 of the residents to a safe and secure living environment.
770 Enforcement of the revocation or denial of a license or
771 certification must be stayed pending the outcome of an appeal
772 unless a local government requires the sponsoring entity to
773 cease operations.

774 (2) SITING AND ZONING.—A recovery community constitutes a
775 residential use allowed in all zoning districts where

776 townhouses, duplexes, triplexes, or other forms of multifamily
777 structures are allowed as permitted uses, provided that the
778 sponsoring entity has received certification from the designated
779 certifying entity as established by s. 397.487 and meets the
780 following requirements:

781 (a) A proposed recovery community housing up to 16
782 occupants is located at least 660 feet or 7 consecutive parcel
783 lots, with each street and alley counting as 1 parcel lot,
784 whichever is the greater distance, from the closest recovery
785 community, community residence, or congregate living facility;

786 (b) A proposed recovery community housing 17 to 30
787 occupants is located at least 900 feet or 9 consecutive parcel
788 lots, with each street and alley counting as 1 parcel lot,
789 whichever is the greater distance, from the closest recovery
790 community, community residence, or congregate living facility;

791 (c) A proposed recovery community housing 31 to 50
792 occupants is located at least 1,300 feet or 13 consecutive
793 parcel lots, with each street and alley counting as 1 parcel
794 lot, whichever is the greater distance, from the closest
795 recovery community, community residence, or congregate living
796 facility;

797 (d) A proposed recovery community housing 51 to 100
798 occupants is located at least 1,400 feet or 14 consecutive
799 parcel lots, with each street and alley counting as 1 parcel
800 lot, whichever is the greater distance, from the closest

801 recovery community, community residence, or congregate living
802 facility; or

803 (e) A proposed recovery community housing more than 100
804 occupants is located at least 1,500 feet or 15 consecutive
805 parcel lots, with each street and alley counting as 1 parcel
806 lot, whichever is the greater distance, from the closest
807 recovery community, community residence, or congregate living
808 facility.

809 (3) EXCEPTIONS.—

810 (a) For purposes of local land use and zoning
811 determinations, this section does not affect:

812 1. The legal nonconforming use status of any recovery
813 community lawfully permitted and operating before July 1, 2026.

814 2. The authority of any recovery community lawfully
815 established before July 1, 2026, to continue to operate.

816 (b) This section may not be construed to require a local
817 government to amend its land use code if it has adopted zoning
818 provisions governing the placement of recovery communities that
819 meet the criteria of subsections (1) and (2).

820 (c) This section may not be construed to prohibit a local
821 government from adopting less restrictive zoning for siting
822 recovery communities.

823 (d) No spacing distance may be greater than those
824 specified in subsection (2).

825 (4) ENFORCEMENT.—

826 (a) A local government may require a sponsoring entity of
827 a recovery community to cease operations immediately if
828 continued operation poses an immediate and significant threat to
829 the health and safety of the residents or the community.

830 (b) This section may not be construed to permit persons
831 who are known to constitute a direct threat to the health and
832 safety of others or whose residency would result in substantial
833 physical damage to the person or property of others to reside in
834 a community residence.

835 **Section 6. Section 419.013, Florida Statutes, is created**
836 **to read:**

837 419.013 Recovery communities as reasonable accommodation.—
838 (1) A recovery community proposed to be located within the
839 distance requirements specified in s. 419.009(2) from the
840 closest existing community residence, recovery community, or
841 congregate living facility must be allowed a reasonable
842 accommodation if the sponsoring entity demonstrates that:

843 (a) The proposed recovery community will not interfere
844 with the normalization and community integration of the
845 residents of the closest existing community residence or
846 recovery community; and

847 (b) The closest existing community residence, recovery
848 community, or congregate living facility will not interfere with
849 the normalization, community integration, or, when residents are
850 capable, the use of neighbors without disabilities as role

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851 models.

852 (2) Primary factors that must be considered when
853 determining compliance with subsection (1) include:

854 (a) The linear distance along the pedestrian right-of-way
855 between the two residences.

856 (b) The likelihood of residents of one site interacting
857 with residents of the other site.

858 (c) Whether the residents of both sites have different
859 disabilities or no disabilities.

860 (3) A proposed recovery community in combination with any
861 existing community residence, recovery community, or congregate
862 living facility may not alter the residential character of the
863 surrounding neighborhood by creating an institutional atmosphere
864 or by creating or intensifying an institutional atmosphere or de
865 facto social service district by clustering community
866 residences, recovery communities, or congregate living
867 facilities on a block face or concentrating them in a
868 neighborhood.

869 **Section 7. Section 419.015, Florida Statutes, is created**
870 **to read:**

871 419.015 Community residences and recovery communities;
872 applicable spacing distance; assistance.—

873 (1) A local government shall respond in writing within 10
874 business days to a request from a sponsoring entity as to
875 whether a proposed site for a community residence or recovery

876 community is within the applicable spacing distance established
877 by this chapter from the closest existing community residence,
878 recovery community, or congregate living facility. The response
879 must include the calculated distance relied upon to deny an
880 otherwise permitted use.

881 (2) If the proposed community residence or recovery
882 community is within the applicable spacing distance specified in
883 s. 419.005(3)(a), the local government must, upon request by the
884 sponsoring entity, provide, at no charge and in writing within
885 20 business days after receiving the request, all of the
886 following information:

887 (a) The address of existing community residences, recovery
888 communities, or congregate living facilities within the
889 applicable spacing distance from the proposed community
890 residence or recovery community.

891 (b) The exact linear distance along the pedestrian pathway
892 of the proposed community residence or recovery community from
893 the closest existing community residence, recovery community, or
894 congregate living facility.

895 (c) The addresses and general nature of the residents'
896 disabilities in all existing community residences and recovery
897 communities as well as the nature of the population served at
898 any congregate living facilities within a one-half mile radius
899 of the proposed community residence or recovery community.

900 **Section 8. Subsection (2) of section 393.501, Florida**

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901 **Statutes, is amended to read:**

902 393.501 Rulemaking.—

903 (2) Such rules must address the number of facilities on a
904 single lot or on adjacent lots, except that there is no
905 restriction on the number of facilities designated as community
906 residences as defined in s. 419.001 ~~residential homes located~~
907 ~~within a planned residential community as those terms are~~
908 ~~defined in s. 419.001(1)~~.

909 **Section 9. Paragraph (k) of subsection (6) of section**
910 **400.464, Florida Statutes, is amended to read:**

911 400.464 Home health agencies to be licensed; expiration of
912 license; exemptions; unlawful acts; penalties.—

913 (6) The following are exempt from licensure as a home
914 health agency under this part:

915 (k) The delivery of community residential services for
916 which the community residence ~~residential home~~ is licensed under
917 chapter 419, to serve the residents in its facility.

918 **Section 10. Paragraph (c) of subsection (3) of section**
919 **400.9972, Florida Statutes, is amended to read:**

920 400.9972 License required; fee; application.—

921 (3) An applicant for licensure must provide:

922 (c) Proof of compliance with local zoning requirements,
923 including compliance with the requirements of chapter 419 if the
924 proposed facility is a community residence ~~residential home~~.

925 **Section 11. Subsection (3) of section 429.11, Florida**

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926 **Statutes, is amended to read:**

927 429.11 Initial application for license.—

928 (3) If the applicant is a community residence ~~residential~~
929 ~~home~~, the applicant must provide proof that it has met the
930 requirements specified in chapter 419.

931 **Section 12. Subsection (5) of section 429.67, Florida**

932 **Statutes, is amended to read:**

933 429.67 Licensure.—

934 (5) Unless the adult family-care home is a community
935 residence ~~residential~~ ~~home~~ subject to chapter 419, the applicant
936 must provide documentation, signed by the appropriate
937 governmental official, that the home has met local zoning
938 requirements for the location for which the license is sought.

939 **Section 13. Paragraph (e) of subsection (2) of section**
940 **1003.57, Florida Statutes, is amended to read:**

941 1003.57 Exceptional students instruction.—

942 (2)

943 (e) This subsection applies to any nonresident student
944 with a disability who resides in a residential facility and who
945 receives instruction as an exceptional student with a disability
946 in any type of residential facility in this state, including,
947 but not limited to, a public school, a private school, a group
948 home facility as defined in s. 393.063, an intensive residential
949 treatment program for children and adolescents as defined in s.
950 395.002, a facility as defined in s. 394.455, an intermediate

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951 care facility for the developmentally disabled or ICF/DD as
952 defined in s. 393.063 or s. 400.960, or a community residence
953 ~~residential home~~ as defined in s. 419.001.

954 **Section 14.** This act shall take effect July 1, 2026.